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| <b>AMENDMENT TRANSMITTAL LETTER</b> |  |  | Attorney Docket No:<br>57657/04-265 |
|-------------------------------------|--|--|-------------------------------------|

|                                        |                            |                                |                   |
|----------------------------------------|----------------------------|--------------------------------|-------------------|
| Applicant Serial Number:<br>10/826,929 | Filing Date:<br>04/16/2004 | Examiner:<br>McGaw, Michael M. | Art Unit:<br>1648 |
|----------------------------------------|----------------------------|--------------------------------|-------------------|

Invention: DNA VACCINE EXPRESSING HA1 OF EQUINE-2 INFLUENZA VIRUS

TO THE COMMISSIONER FOR PATENTS:  
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

**CLAIMS AS AMENDED**

|               | CLAIMS REMAINING AFTER AMENDMENT |       | HIGHEST NUMBER PREVIOUSLY PAID FOR | NO. OF EXTRA CLAIMS PRESENT | RATE     | ADDITIONAL FEE |
|---------------|----------------------------------|-------|------------------------------------|-----------------------------|----------|----------------|
| TOTAL CLAIMS  | 18                               | MINUS | 20                                 | 0                           | \$50.00  | \$ 0.00        |
| INDEP. CLAIMS | 1                                | MINUS | 3                                  | 0                           | \$200.00 | \$ 0.00        |

X  Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of 03/08/2005 to and through 09/08/2005, comprising an extension of the shortened statutory period of:

\_\_\_\_\_ one month (\$120.00)       X  three months (\$1,020.00)  
\_\_\_\_\_ two months (\$450.00)      \_\_\_\_\_ four months (\$1,590.00)

|                                                |                   |
|------------------------------------------------|-------------------|
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b> | <b>\$1,020.00</b> |
|------------------------------------------------|-------------------|

- \_\_\_\_\_ Small entity status of this application under 37 CFR 1.9 and 1.27 was previously established.
- \_\_\_\_\_ A check in the amount of \$ \_\_\_\_\_ is attached.
- X  Form PTO-2038 (Credit Card Pay Form) is attached authorizing the Commissioner to charge \$1,020.00. The Amendment Transmittal Letter is submitted in duplicate.
- X  The Commissioner is authorized to charge any underpayment under 37 CFR 1.16 or 1.17 or refund any overpayment to Deposit Account No. 06-0540.
- \_\_\_\_\_ No additional fee is required.

September 8, 2005  
Date

*R Alan Weeks*  
R. Alan Weeks  
Reg. No. 36,050

PTO Customer No. 22206

I hereby certify that this Correspondence is being deposited with the United States Postal service with sufficient postage for first class mail in an envelope address to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on September 8, 2005.

*Amy C. Walker*  
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